

WARD & OLIVO
ATTORNEYS AT LAW
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NEW YORK, NEW YORK 10017
(212) 697-6262
FAX (212) 672-5866

E-MAIL: mail@wardolivo.com

February 9, 2006

VIA TELEFACSIMILE (571) 273-6500

Refund Department
United States Patent & Trademark Office
Washington, D.C. 20231

Re: Incorrect Charge to Ward & Olivo Deposit Account No. 23-0420

Dear USPTO Researcher:

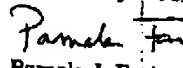
It has come to our attention that a charge dated 1/26/06 to our deposit account (no. 23-0420) in the amount of \$1,190.00 for Application Serial No. 09/332,863 (our docket no. 222-005R) is incorrect. A copy of the January 2006 statement for the account is enclosed.

Upon review of our records, it has been determined that this amount covers the fees for a Request for Continued Examination (\$395.00) and an Extension of Time for Response within Fourth Month (\$795.00). We authorized these fees to be charged to our deposit account via a Request for Continued Examination Transmittal form sent to the PTO on January 17, 2006. A copy of this Transmittal form is enclosed. As indicated on this Transmittal form, a check in the amount of \$795.00 was also sent to the PTO to cover fees for an Extension of Time. As a result, it appears we paid twice for this Extension, once via check and once via deposit account. Therefore, we are requesting that you credit our deposit account in the amount of \$795.00.

If you have any questions, please feel free to contact me at any time.

Best Regards.

Very Truly Yours,


Pamela J. Farina
Billing Manager

Enclosures

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02/09/2006 14:16 9082776373

WARD & OLIVO

Deposit Account Statement

PAGE 03

Page 1 of 1



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Patent and
Trademark Office

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Home
Page
Finance
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Page

Deposit Account Statement

Requested Statement Month: January 2006
Deposit Account Number: 230420
Name: WARD & OLIVO
Attention: JUDY HERMAN
Address: 382 SPRINGFIELD AVENUE
City: SUMMIT
State: NJ
Zip: 07901
Country: UNITED STATES OF AMERICA


DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/26	74	09332863	222-005	1254	\$1,190.00	\$2,001.00
01/26	190	10308768		8007	\$20.00	\$1,981.00
01/26	191	10717198		8007	\$20.00	\$1,961.00

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$3,191.00	\$1,230.00	\$.00	\$1,961.00

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POSTED

Colinon

WARD AND OLIVO 100 - 8RD AVE NEW YORK NY 10017		1608
PAY TO THE ORDER OF	DATE 1/16/06	06-07/02
Seven Hundred Ninety Five and 00/100	\$ 795.00	
 Fleet	DOLLARS 0	
FOR (22-005) 0153283	Small Business Services www.sbs.com	
1001608100212003390	94179 62475	

FACSIMILE TRANSMISSION COVER SHEET

TO

Name: Refunds Department
Company or Firm: USPTO
Facsimile Tel.: (571) 273-6500

FROM

WARD & OLIVO
382 Springfield Avenue
Summit, NJ 07901
Telephone: (908) 277-3333
Facsimile: (908) 277-6373

Name of Sender: Pamela Farina

Date: 2/9/06

Pages (including this page): 5

Client Matter No.: 222-005R

If there is a problem with this transmittal, please telephone us at (908) 277-3333.

COMMENTS

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REF
JFW

PTO/SB/30 (09-03)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/332,863
Filing Date	June 15, 1999
First Named Inventor	Imperial
Art Unit	1751
Examiner Name	B. Mruk
Attorney Docket Number	222-005

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☒ Other PRELIMINARY AMENDMENT
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 23-0420
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 795.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	David M. Hill	Registration No. (Attorney/Agent)	48,170
Signature		Date	January 17, 2006

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	David M. Hill	Date	January 17, 2006
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01/26/2006 SSESHE1 00000044 230420 09332863
01 FC:2801 395.00 DA

09332863

03/06/2006 SFELEKE1 00000009 230420

395.00 DA

02 FC:2801

Adjustment date: 03/06/2006 SFELEKE1
01/26/2006 SSESHE1 00000044 230420 09332863
01 FC:2801 -395.00 DP



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Imperial

Serial No.: 09/332,863

Group Art Unit: 1751

Filed: June 15, 1999

Examiner: Mruk, B.

For: ONE STEP METHOD AND
COMPOSITIONS FOR
SIMULTANEOUSLY COLORING AND
HIGHLIGHTING HAIR

Atty. Doc. No.: REV 99-10 (222-005)

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME UNDER
37 C.F.R. SECTION 1.136(a)

SIR:

It is respectfully requested that the time for filing an Appeal Brief or an RCE pursuant to the Notice of Appeal dated June 16, 2005 be extended for a period of five (5) months from August 16, 2005 to and including January 17, 2006.

Respectfully submitted,

David M. Hill
Reg. No. 46,170
WARD & OLIVO
708 Third Avenue
New York, New York 10017
(212) 697-6262

Dated: January 17, 2006

Adjustment date: 03/06/2006 SFELEKE1
01/26/2006 SSESHE1 00000044 230420 09332863
02 FC:1254 1190.00 CR -400.00 DP

01/26/2006 SSESHE1 00000044 230420 09332863
02 FC:1254 1190.00 DA 400.00 DP

03/06/2006 SFELEKE1 00000009 230420 09332863
01 FC:2254 795.00 DP

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